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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/816,668      | 04/02/2004  | Attila Simofi-Ilyes  | 2003P16621US01      | 9698             |

7590 08/28/2006

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EXAMINER

PRESTON, ERIK D

ART UNIT PAPER NUMBER

2834

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/816,668

Applicant(s)

SIMOFI-ILYES ET AL.

Examiner

Erik D. Preston

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

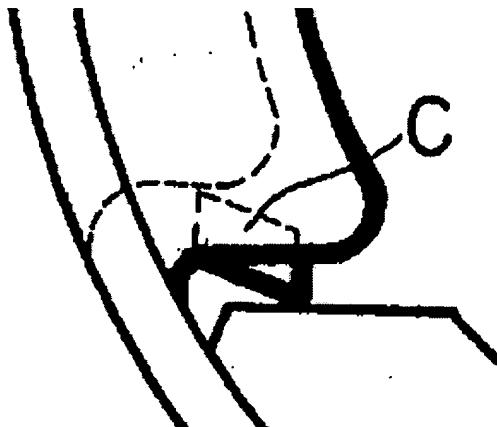
***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMillen (US 4296343 supplied by applicant) in view of Yamaguchi et al. (US 3988623 supplied by applicant).

With respect to claims 1,3,6,10 & 13 McMillen teaches a stator assembly for a brush-type permanent magnet DC motor having N number of poles, the stator assembly comprising: A stator body (Fig. 3, #12) having a central axis and an annular inner wall disposed about the central axis, the inner wall having an entirely curved raised portion (Fig. 3, #54) and an entirely curved recess (Fig. 3, #42) adjacent to the raised portion, the raised portion being closer to the central axis than the recess, the at least one raised portion having a flux recovery feature (Col. 1, Lines 26-45), and a permanent magnet (Fig. 3, #50) mounted within the recess and defining with the flux recovery feature, a magnetic circuit, wherein an inside radius of the magnet is substantially the same as, and concentric with, an inside radius of the raised portion as measured from the central axis, wherein, in section, the at least one raised portion is joined directly with a surface defining the recess by a generally S-shaped structure thereby defining an entirely curved transition there-between, wherein a number of raised portions is equal to a number of magnets and the number of magnets is N/2, but it does not explicitly teach the generally S-shaped structure defining an entirely curved and non-planar transition.

However, Yamaguchi teaches a stator body wherein, in section, the at least one raised portion (Fig. 3, d) is joined directly with a surface defining the recess (Fig. 2, #1a) by a generally S-shaped structure thereby defining an entirely curved and non-planar transition there-between (as seen in Fig. 3, enlarged below). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the S-shaped structure of McMillen in view of the S-shaped structure as taught by Yamaguchi because it provides a means for holding magnets in a case without requiring any binding agent, springs or screws (Yamaguchi, Abstract).



With respect to claims 2 & 11, McMillen in view of Yamaguchi teaches the stator of claims 1 & 10, and McMillen teaches that two raised portions and two magnets are provided (as seen in Fig. 3).

With respect to claims 4,8 & 14, McMillen in view of Yamaguchi teaches the stator of claims 1,6 & 10, and McMillen teaches that the raised portion is integral with the stator body.

With respect to claims 5,9 & 15, McMillen in view of Yamaguchi teaches the stator of claims 1,6 & 10, and McMillen teaches that an exposed surface of the means for recovering flux is of substantially the same dimensions as an exposed surface of the magnet (as seen in Fig. 3).

With respect to claim 7, McMillen in view of Yamaguchi teaches the stator of claim 6, and McMillen teaches that two raised portions and two magnets are provided for a four-pole motor (Col. 1, Lines 59-65).

With respect to claim 12, McMillen in view of Yamaguchi teaches the stator of claim 10, and McMillen teaches that the means for recovering flux includes a plurality of raised portions extending from the inner wall, and a plurality of permanent magnets are provided with one magnet being disposed between two raised portions (as seen in Fig. 3).

### ***Response to Arguments***

Applicant's arguments filed 4/11/2006 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., that the S-shaped structure not require a planar portion) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's argument that Yamaguchi teaches a planar portion and not an S-shaped transition, it is noted that the S-shaped portion is indicated by the dashed line in figure 3, and not the bold line.

In response to the applicant's argument that there would be no reason to combine McMillen with Yamaguchi because there is no teaching in McMillen of the magnets being insufficiently held, it is noted that McMillen is silent as to the quality of the magnet holding means, and Yamaguchi provides an equivalent and equally well known means for holding magnets in a case that has the added benefit of being able to be implemented without requiring any binding agent, springs or screws.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is (571)272-8393. The examiner can normally be reached on Monday through Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



08/10/2006

DARREN SCHUBERG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER

